

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION - AKRON**

| | | |
|----------------|---|-------------------------|
| In Re: |) | Case No. 15-52335 (AMK) |
| |) | |
| JEAN B. ADAMS, |) | Chapter 7 |
| |) | |
| Debtor. |) | Judge: ALAN M. KOSCHIK |

**APPLICATION FOR ALLOWANCE OF FEES AS
ATTORNEYS FOR THE TRUSTEE**

Robert D. Barr of the law firm of Dettelbach, Sicherman & Baumgart, the duly appointed attorney for the Trustee herein (the "Applicant"), respectfully represents to the Court that as such attorney he has rendered or caused to be rendered services for the benefit of the within estate, and that said services are fully itemized and set forth in Exhibit "A" attached hereto and made a part hereof.

The Applicant further represents that said services are reasonably worth the sum of \$1,592.50, and that he has incurred expenses in the sum of \$0.00.

WHEREFORE, the Applicant prays that he may be allowed the sum of \$1,592.50 as and for his fees and expenses as attorney for the Trustee herein.

/s/ Robert D. Barr
Robert D. Barr (#0067121)
DETTELBACH, SICHERMAN & BAUMGART
1801 East Ninth Street, Suite 1100
Cleveland, Ohio 44114-3169
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Attorneys for the Trustee

CERTIFICATION UNDER RULE 2016 OF THE BANKRUPTCY RULES

I have read the Fee Application for Compensation and Expense Reimbursement by Counsel for the Trustee (the "Fee Application") filed concurrent with this Declaration. To the best of my knowledge, information and belief, formed after reasonable inquiry, the compensation and expense reimbursement sought in the Fee Application are in conformity with the United States Bankruptcy Court for the Northern District of Ohio's July 28, 1993 "Guidelines for Compensation and Expense Reimbursement of Professionals," except as otherwise specifically noted in the Fee Application. The compensation and expense reimbursement requested are billed at rates and in accordance with practices no less favorable to the debtor/estate than those customarily employed by Applicant generally, except as otherwise specifically noted in the Application.

Robert D. Barr further certifies under penalty of perjury that he is the Applicant herein, that he has not heretofore received any payments, nor has any promise been made to him for compensation for services rendered or to be rendered in connection with the within bankruptcy case or estate.

No agreement or understanding exists between the Applicant and any other person for a division of compensation to be received by him from this Court for services rendered herein and itemized herein, save for and except his agreement to share compensation with members and associates of his law firm, Dettelbach, Sicherman & Baumgart, a Legal Professional Association.

/s/ Robert D. Barr

Robert D. Barr, Attorney

NOTICE

Pursuant to Local Bankruptcy Rule 9013-1, any objection to this application must be filed **by April 28, 2016**. If no response or objection is timely filed, the Court is authorized to grant the relief requested without further notice.

/s/ Robert D. Barr

Robert D. Barr, Attorney

CERTIFICATE OF SERVICE

I certify that on April 14, 2016, a true and correct copy of the Application for Allowance of Fees as Attorney for the Trustee was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Pauline Aydin Shuler, on behalf of the Debtor, Jean B. Adams, at paydinlegal@hotmail.com

Robert S. Thomas, Trustee, at rsttrustee@yahoo.com

United States Trustee, at (Registered [address](mailto:address@usdoj.gov))@usdoj.gov

/s/ Robert D. Barr

Robert D. Barr, Attorney

NARRATIVE STATEMENT

In Re: Jean B. Adams
Bankruptcy Case No. 15-52335 (AMK)
Chapter 7

The within narrative statement is being provided pursuant to the Guidelines promulgated by the Office of the U.S. Trustee and the Memorandum regarding Allowance of Compensation effective in this Court October 1, 1988. The services and expenses of Applicant are specifically itemized in an attached exhibit.

Introduction to Narrative Summary:

As used hereinafter the term "Applicant" refers to the individuals who are principals and associates of the law firm of Dettelbach, Sicherman & Baumgart, a legal professional association and the law firm itself.

Section A

1. September 30, 2015 is the date on which the Bankruptcy Petition was filed.
2. February 3, 2016 is the date on which the Application to employ Applicant was filed.
3. March 1, 2016 is the date on which the order approving Applicant's employment was entered.

4. February 3, 2016 is the date on which Applicant's services commenced.
5. The Applicant's services were rendered on behalf of Robert S. Thomas, II, Chapter 7 Trustee, and the Applicant is seeking compensation pursuant to 11 U.S.C. §§ 330 and 503(b)(2).
6. Applicant was retained on a "general retainer," and Applicant's fees were to be billed based upon time and charges for the services rendered, with no "cap" on fees and expenses, other than they were to be billed at Applicant's prevailing rates and customary charges for reimbursable expenses.
7. Applicant received no retainer, or any promise of payments to be made, except as may be allowed by the Bankruptcy Court in this estate.
8. The names of all of the Applicant's professionals and paraprofessionals requesting fees and the hourly rate charged by each is reflected in the "Summary" that precedes Exhibit "A" which follows and consists of the detail of the services rendered and reimbursable expenses requested by Applicant.
9. The rates reflected in the "Summary" are based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.
10. This Application is a final Application and there were no interim Applications filed by Applicant; and the case is ready for final distributions to be made.
11. The time period of the services and expenses covered by this Application is from the date of the retention of Applicant to the conclusion of Applicant's services.
12. The Chapter 7 Trustee has been given the opportunity to review this Application and has approved the requested amount.

Section B

- a. \$3,000.00 is the amount of cash on hand or on deposit as of the present date.
 - (I) The total receipts of the Trustee were \$3,000.00
 - (ii) The total disbursements by the Trustee were \$0.00
- b. There are no unpaid administrative expenses or claims, other than Clerk's charges, the Trustee's fees and expenses, and the Applicant's fees and expenses.
- c. Except for item (b) above, all of the funds described in item (a) were unencumbered funds in the estate.
- d. The Debtor's estate was not operated. There was no operating profit or loss.

Summary of Services

Asset Analysis & Recovery - 142350-00003

Counsel reviewed all evidence in support of preferential transfers arising from the pre-petition settlement of a personal injury claim, and payment to several parties/medical creditors from the proceeds of the settlement within the 90-day preference period. Counsel reviewed all evidence in support of the claims, and researched legal issues relating to whether certain recipients were entitled to medical provider liens and/or subrogation rights. Counsel prepared a notice of appearance in the case, and prepared a letter to the law firm which handled the personal injury claim and the distribution of settlement proceeds.

Counsel corresponded on several occasions with the law firm of Kisling, Nestico & Redick (who handled the personal injury claim), obtained additional evidence in support of preference claims and defenses, and evaluated whether to pursue certain claims. After extensive work, it appeared that several of the recipients had valid defenses to preference claims, and those claims were not pursued. Counsel prepared a demand letter to one recipient who did not appear to have a defense: Western Reserve Professional Group. As a result of that demand, a \$3,000.00 check, representing the full preference, was remitted back to the Trustee. All of the above services were necessary to fully investigate claims of the bankruptcy estate, and contributed to the recovery of \$3,000.00 for the benefit of the bankruptcy estate and creditors.

Robert D. Barr - 4.00 hours @ \$325.00 = \$1,300.00

Discharge, Dismissal, Conversion & Exemption - 142350-00016

To assist the Trustee with his objection to the Debtor's claim of exemption in funds on deposit, counsel researched the relevant issues, reviewed applicable case-law, and provided research to the Trustee. The Trustee recovered funds on deposit as of the petition date.

Robert D. Barr - .90 hours @ \$325.00 = \$292.50

DETTELBACH, SICHERMAN & BAUMGART
Attorneys for Trustee

SUMMARY

In Re: Jean B. Adams, Debtor(s)
Bankruptcy Case No. 15-52335 (AMK)
Chapter 7

LEGAL SERVICES

| HOURS | RATE | SERVICES BY ATTORNEY | Year Admitted | INITIAL | TOTAL |
|--|--------|----------------------|------------------|---------|-----------------|
| | | Marvin A. Sicherman | 1960 | MAS | 0.00 |
| | | Richard A. Baumgart | 1978 | RAB | 0.00 |
| 4.90 | 325.00 | Robert D. Barr | 1996 | BR | 1,592.50 |
| | | Lisa A. Meyer | 2003 | LAM | 0.00 |
| | | Patrick A. Hruby | 2009 | PAH | 0.00 |
| | | | | | 0.00 |
| T O T A L L E G A L S E R V I C E S | | | | | 1,592.50 |
| EXPENSES: | | | | | |
| Filing Fees&Litig. Expenses Advanced (FF) | | | | | |
| Facsimile (FX) - Pgs. | | | \$0.30 | | 0.00 |
| Long Distance Telephone (LD) | | | | | |
| Miscellaneous (MI) | | | | | |
| Out-of-town Travel &related expenses (OT) | | | | | |
| Photocopy (P) - Pgs. | | | \$0.15 | | 0.00 |
| Postage/Express Mail (PO) | | | | | |
| TOTAL DISBURSEMENTS | | | | | 0.00 |
| TOTAL SERVICES AND DISBURSEMENTS | | | | | 1,592.50 |

BLENDED HOURLY RATE OF PROFESSIONALS \$325.00

| | |
|-------------------------------|---------|
| Fees Previously requested | \$ None |
| Fees Previously awarded | \$ None |
| Expenses Previously requested | \$ None |
| Expenses Previously awarded | \$ None |

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15- 52335

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Account No: 142350A

RECAPITULATION OF ATTACHED STATEMENT

| Previous Balance | Fees | Expenses | Advances | Payments | Balance |
|---|-----------------|-------------|-------------|-------------|-------------------|
| 142350-00003 Asset Analysis & Recovery | | | | | |
| 0.00 | 1,300.00 | 0.00 | 0.00 | 0.00 | \$1,300.00 |
| 142350-00005 Discharge, Dismissal, Conversion & Exemption | | | | | |
| 0.00 | 292.50 | 0.00 | 0.00 | 0.00 | \$292.50 |
| <u>0.00</u> | <u>1,592.50</u> | <u>0.00</u> | <u>0.00</u> | <u>0.00</u> | <u>\$1,592.50</u> |

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Statement No: 1

Asset Analysis & Recovery

Fees

| | | | Rate | Hours | |
|------------|----|--|--------|-------|--------|
| 02/03/2016 | BR | Review of evidence in support of preference claims arising from payments to medical creditors from proceeds of a settlement. Conference with Marvin Sicherman (research) regarding requirements of medical provider lien. Correspondence with the Trustee regarding the validity of the preference claims. | 325.00 | 0.80 | 260.00 |
| | BR | Prepared Notice of Appearance. | 325.00 | 0.20 | 65.00 |
| | BR | Preparation of document request to Kisling, Nestico & Redick, LLC, to obtain additional evidence in support of preference claims and defenses. | 325.00 | 0.50 | 162.50 |
| | BR | Prepared email to counsel for the Debtor regarding evidence needed to pursue preference claims. | 325.00 | 0.10 | 32.50 |
| | BR | Email correspondence with the Trustee regarding recovery of funds on deposit, and whether personal injury exemption applies. | 325.00 | 0.10 | 32.50 |
| 02/04/2016 | BR | Further edits to letter to Kisling, Nestico & Redick firm requesting evidence, and call and email to that firm regarding same. | 325.00 | 0.30 | 97.50 |
| 02/09/2016 | BR | Call from Attorney for Debtor who handled tort claim settlement, regarding preference claims, and evidence in support of claims or defenses. | 325.00 | 0.30 | 97.50 |
| 02/10/2016 | BR | Review of documents and evidence produced by Kisling, Nestico & Redick firm at my request, re: investigation of preference claims, and email correspondence with the Trustee and Attorney Tsarnas at Kisling, Nestico & Redick regarding same. | 325.00 | 0.30 | 97.50 |
| 03/04/2016 | BR | Further review of documents provided by KNR firm to evaluate preferences, and emails to Attorney Tsarnas regarding additional documents needed. | 325.00 | 0.40 | 130.00 |
| 03/07/2016 | BR | Review of State Farm policy, recently provided to determine subrogation rights - which may impact preference claims. | 325.00 | 0.30 | 97.50 |
| 03/17/2016 | BR | Further review of documents supporting defenses to preferences - lien and subrogation rights - Call with Attorney Nomiki Tsarnas | | | |

Adams, Jean Thomas, Robert, Tee

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Asset Analysis & Recovery

| | | | Rate | Hours | |
|------------|----|--|--------|-------|----------|
| | | regarding same. | 325.00 | 0.30 | 97.50 |
| 03/18/2016 | BR | Further review of new items provided by Nomiki Tsarnas regarding potential preference claims. | 325.00 | 0.10 | 32.50 |
| 03/28/2016 | BR | Email to Attorney Tsarnas regarding follow-up documents requested showing payment to or lien rights of Western Reserve Professional Group. | 325.00 | 0.10 | 32.50 |
| | BR | Prepared preference demand letter to Western Reserve Professional Group. | 325.00 | 0.20 | 65.00 |
| | | For Current Services Rendered | | 4.00 | 1,300.00 |

RECAPITULATION

| <u>Attorney</u> | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
|-----------------|--------------|--------------------|--------------|
| Robert D. Barr | 4.00 | \$325.00 | \$1,300.00 |

Total Current Work 1,300.00

Balance Due \$1,300.00

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Statement No: 1

Discharge, Dismissal, Conversion & Exemption

Fees

| | | | Rate | Hours | |
|------------|----|--|--------|-------|--------|
| 02/04/2016 | BR | Research as to whether personal injury exemption still applies after deposited into bank account and still traceable. Also, research of applicability of 2329.66(a)(b)(c) to funds on deposit. Email correspondence with the Trustee regarding same. | 325.00 | 0.70 | 227.50 |
| | BR | Review of bank statements, as relates to the objection to exemption. | 325.00 | 0.20 | 65.00 |
| | | For Current Services Rendered | | 0.90 | 292.50 |

RECAPITULATION

| <u>Attorney</u> | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
|-----------------|--------------|--------------------|--------------|
| Robert D. Barr | 0.90 | \$325.00 | \$292.50 |

Total Current Work 292.50

Balance Due \$292.50